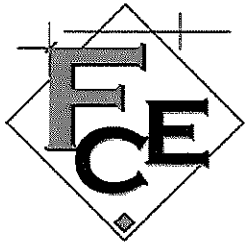


**TO:** Mayor Brian Tipton and Township Committee Members **VIA EMAIL ONLY**  
**FROM:** Michael S. Finelli, P.E., P.P., C.M.E.  
**DATE:** December 1, 2022  
**RE:** **Harmony Township Engineer's Report for the December 6, 2022, Committee Meeting**  
*FCE No. HAWM254R12*

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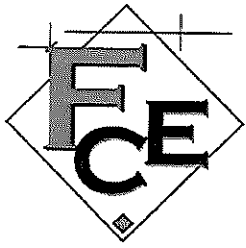
**HARMONY SAND AND GRAVEL QUARRY PERMIT**  
**(No change since last month's report)**

- Please refer to prior Engineering reports for 2017, 2018, 2019 & 2020 permit application summaries.
- HS&G's 2021 Quarrying License Application has been received by this office and the Township via email, dated January 26, 2021 from LAN Associates. As of the date of this report we have not had the opportunity to perform a Site Inspection of the Front Pit or complete the review of the application. Based upon a conversation with K. Campbell, Esq. the applicant has noticed for the hearing to commence at the February 2, 2021 Committee meeting. We have no objection to the applicant beginning their testimony with the hearing to be continued at the March 2, 2021 meeting.
- Our office has reviewed the 2021 Quarry License Application and has provided our report under separate cover to the Committee.
- The Committee approved HS&G's 2021 Quarry License at their March 2, 2021 meeting. The memorializing Resolution should be scheduled for adoption at the April 6, 2021 Committee meeting.
- The memorializing Resolution approving the 2021 Quarry License is scheduled for adoption at the May 4, 2021 Committee meeting.
- We have received a September 21, 2021 email from R. Panicucci seeking permission to begin construction of the proposed relocated Haul Road. Plans for the new Haul Road were submitted in 2020 in conjunction with their annual Mining Application. A preliminary review of these plans was provided in our May 29, 2020 letter to the Committee. There are two (2) issues which we wish to discuss with the Committee prior to this work commencing. The first is whether the Committee has the authority to approve the plans for the relocated Haul Road as part of the Quarry License process without any other Township approvals. The second is whether there are any legal issues with the construction of the proposed new Haul Road as it will result in the removal of the existing Haul Road. The Committee will recall that there was litigation between HS&G and Star D Farm over the ownership of the existing Haul Road and rights to the sand and gravel beneath the Haul Road. Our office will be conducting a final review of the plans and required other agency permits prior to permitting the construction to begin.
- Based on an October 26, 2021 conversation with K. Campbell, we are in agreement that the Committee can authorize the construction of the new Haul Road and removal of a portion of the



old Haul Road without any input from the Land Use Board. It was also noted in our conversation that it will be incumbent upon HS&G to abide by all provisions of the settlement of the Haul Road litigation. We anticipate scheduling a pre-construction meeting with HS&G and R. Panicucci and the Upper Delaware SCD prior to the start of the work.

- Construction of the new Haul Road has commenced. The work is being inspected by our inspection staff on an as needed basis. Good progress is being made by Earth Efficient on the restoration of the side slopes within Pit 2. Based upon our inspection on November 30, 2021 a significant portion of the slopes along the Buckhorn Creek side of the pit have been “flattened” to what appear to be 3:1 slopes and topsoil has been placed in certain areas. As-built plans will need to be provided by HS&G prior to our final acceptance of the restoration. It appears that the northern side of Pit 2, which parallels Roxburg Station Road, still needs the slopes to be “flattened”. It is also noted that that soundings and as-built cross sections will need to be provided for the underwater slopes prior to our acceptance of the work.
- Please be advised that the applicant recently submitted their annual quarry permit application for 2022. We received the information on January 26, 2022. We obviously did not have sufficient time to develop our review and issue our report in advance of the February 1, 2022 Committee Meeting.
- Our review of HS&G’s 2022 quarrying application, dated February 25, 2022 was submitted to the Committee in advance of the March meeting. Note that we have also submitted a March 28, 2022 letter to the Committee, for its files, which includes documents from Earth Efficient confirming the sources of the imported fill used in the reclamation of Hartung Pit 2 and test results confirming that the material meets NJDEP standards for “clean fill”.
- The Committee at its April 5, 2022 meeting approved HS&G’s 2022 quarrying permit with conditions. A resolution, prepared by both this office and K. Campbell, Esq., was adopted by the Committee at its May 3, 2022 meeting.
- Based upon potential environmental concerns expressed by S. Gruenberg, Esq., the applicant has agreed to perform Soils testing for Pit #2. We have spoken with S. Wilhelm, Esq., and R. Panicucci, P.E., regarding progress on the environmental testing which was agreed to be conducted by HS&G within Pit 2. They are in the process of selecting an environmental consultant. We will be coordinating with their consultant on the proposed scope of the work and the testing that will be required.
- Based upon a July 5, 2022 email from R. Panicucci, P.E., HS&G is retaining RMS Environmental to conduct the additional environmental investigation required by the Committee within Pit #2. We are awaiting a proposed scope of work from RMS for our review and approval.
- Our office received an environmental testing proposal for Pit 2 from RMS Environmental by email on July 25, 2022. Gene Weber forwarded the RMS proposal and scope of testing to the Township Committee via e-mail, on August 3, 2022. Our office is currently reviewing the proposed testing and will provide our recommendations under separate cover.



- Our office prepared an August 17, 2022 letter to LAN Associates with comments on the RMS Environmental testing proposal. Copies were provided to the Committee. We are awaiting receipt of a revised proposal for our final review and approval prior to the commencement of testing.
- There has been recent activity and progress made at the site relative to areas which needed to be re-graded to achieve the 3:1 maximum slope.

#### **SHANDOR'S USED AUTO PARTS / JUNKYARD LICENSE**

**(No change since last month's report)**

- Our office has received a copy of the 2020 Junkyard application on March 16, 2020. Under separate cover, our review of the application will be provided to the Committee for consideration at the April 7, 2020 Committee meeting. It is noted that the application does not clearly identify who is the applicant and the names of the owners along with the consent of all owner's (both lots). We believe these matters need to be clarified prior to proceeding. The advice of Attorney Campbell should be sought.
- The Committee took no action on the 2020 permit at its April 7, 2020 meeting. The matter was carried to the May 5, 2020 meeting. A copy of our April 3, 2020 review of the 2020 license application has been submitted to the Committee for consideration. It is noted that the Committee did ask K. Campbell to contact NJDEP to obtain information on outstanding NJDEP violations on these properties.
- Action on the 2020 license was tabled at the June 2, 2020 TC meeting based upon the recent passing of Mr. & Mrs. Shandor.
- Refer to K. Campbell's July 25, 2020 memo to the Committee. The applicant has been advised that the Shandor estate needs to be probated to clarify ownership of the junkyard prior to the Committee approving the 2020 license.
- A 3<sup>rd</sup> Zoning Violation was issued by Joe Rossi on October 22, 2020 for operation of the junkyard without a license. The junkyard's license was revoked by the Committee last year for failure of the junkyard to provide correct information on the owner of the land and owners of the entity operating the junkyard. The matter is scheduled for Municipal Court hearing on February 4, 2021. In addition, we received from K. Campbell a copy of a January 15, 2021 Consent Order and Settlement Agreement requiring the owners to bring the site into compliance with applicable NJDEP rules.
- March 4, 2021 was the most recent court appearance on the zoning complaint. During the hearing, the applicant's attorney, William Mandry, Esq, stated that the applicant would be submitting a new application for the 2021 Junkyard Permit. A Junkyard License application was received at the Township on March 8, 2021. It appears that the Junkyard has been conveyed through the Estate of Joseph Shandor to Jeffery Riddle. I will be discussing the review of this "new" application with Attorney Campbell.
- The judge granted a continuation for the hearing to April 15, 2021.

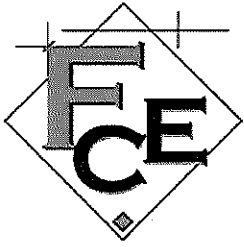


- The Junkyard License was conditionally approved by the Committee at its April 6, 2021 meeting. Based upon our inspection on April 28, 2021 the condition requiring that abandoned vehicles be removed from the adjoining field has not been satisfied. The Riddle's should be notified by the Clerk of the issue. The 2021 License should be withheld until the condition is satisfied. The most recent court hearing on this matter was held on April 15, 2021. No action was taken as Attorney Mandry did not appear before the court with no explanation to the court. The municipal court hearing for operating the junkyard without a license since 2020 has been continued to May 6, 2021.
- Abandoned vehicles in the adjoining field have been removed by the applicant so the 2021 Junkyard License should be provided to the applicant by the Clerk if not already released. The Municipal Court action for operating a junkyard without a license has been adjudicated with the Court finding the owner guilty with the issuance of a fine.
- We have received Shandor's 2022 Junkyard License Application. A copy of our review report will be provided under separate cover in advance of the April 5, 2022 Committee meeting.
- No action was taken on the 2022 Junkyard License at the April 5, 2022 Committee meeting. As suggested by the Committee, K. Campbell, Esq. sent an April 14, 2022 letter to J. Riddle requiring that he address the comments in FCE's April 4, 2022 review letter prior to the application being considered for approval. As of the date of this report, no additional information has been received from Mr. Riddle.
- Comments from our April 4, 2022 letter have been addressed. The approval Resolution has been provided to the Committee for adoption at the June 7, 2022 Committee meeting. In addition, the Committee at its May 3, 2022 meeting suggested that the Junkyard ordinance should be amended to include a requirement for escrow fees.
- Our office did a site inspection of the property on June 3, 2022 and found that no cars were located outside of the fence in the field area.

#### **FOX FARM ROAD, SECTION 2 (2021 NJDOT Grant Project)**

**(No change since last month's report)**

- The Township was notified by the State that they received a grant in the amount of \$136,700 for the resurfacing of Fox Farm Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. FCE is presently evaluating a modification to the scope of the work (shorten the length roadway to be resurfaced) and will provide a revised budget amount to the Township.
- The snow covering the existing Guide Rail has forced a delay in the modification to the Initial Budget Memo, but we are hoping to provide the Committee a revised Budget memo in advance of the 3/2/21 TC Meeting under separate cover.
- FCE has scheduled the field survey work and will begin to develop the initial documents for submission to DOT.



- The Field survey work has been completed and we are now proceeding with the design phase of the project. Per prior discussions and the subsequent approval from the Twp. Committee, this section of Fox Farm Rd. is longer (almost 1.5 Miles) than “conventional” DOT Grant projects. This will obviously have a direct impact on the total costs of the project (as outlined in our Jan. Memo to the Committee).
- Plans, Specifications and Engineers estimate was submitted to NJDOT on August 4, 2021. NJDOT has reviewed our submittal and we may proceed with award to Morris County Cooperative Pricing council.
- The Morris County Cooperative Pricing Council paving contractor is not able to schedule the resurfacing of Fox Farm Road for this year. The NJDOT approvals are in place, and we will be in position to have this project started in the Spring of 2022.
- A new resolution of award has been sent to the Township to reflect the new 2022 Morris County Cooperative Pricing Council bid prices so this project can proceed as soon as the weather allows.
- NJDOT has given the Township approval to Start construction. FCE has spoken with the DPW and the paving contractor to schedule paving for the end of April, beginning of May.
- Paving was completed on April 26<sup>th</sup> and 27<sup>th</sup>. The Guiderail contractor is scheduled for May 9, 2022, and the striping contractor has been contacted, but we do not have a scheduled date from them yet.
- Guiderail and striping have been completed. Coring has been requested but as of the date of this report, we do not have a confirmed schedule for same. Final inspection from DOT has also been requested.
- Coring was completed, there was a 0.5% penalty assessed to the contractor for failure on the air voids. DOT completed the final inspection and has accepted the project. Final close out documents have been sent to the Township for signatures.
- Final close out documents have been sent to DOT for final payment and completion of the project.
- DOT received final closeout documents but cannot finalize until receipt of an original CFO certification.
- DOT has received all final closeout documents for this project. It is our understanding that the Township has not yet received the final payment of the Grant.

#### **Ridge Road Section 2 (2022 NJDOT Grant Project)**

- The Township was notified by the State that they received a grant in the amount of \$131,600 for the resurfacing of Ridge Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. A shortened section of Ridge Road was also presented in the budget memo for the Township to evaluate and discuss. Obviously, Kathleen will need to be involved in these discussions from an overall budgeting perspective for 2022.



- Based upon the Budget Memo referenced above, it is our understanding that the Township is evaluating some options for proceeding with this project. The Township will need to advise our office regarding how they would like to proceed with this project for 2022 based upon the fairly significant shortfall of Grant monies (\$131,600.00 vs. the estimated cost of the project).
- The Township has decided to proceed with the full length of roadway. FCE is in the process of surveying the road and creating the base mapping.
- FCE has completed the field survey work and is in the process of developing the base mapping for the project.
- Base mapping has been created, however in response to the Asphalt Price adjustment and Fuel price adjustment FCE is waiting for confirmation on the limits of work.
- As per the escalated costs associated with projects of this type which were evident in conjunction with the Fox Farm Road, Section 2 project, the TWP. Committee has decided not to proceed with Ridge Road, Section 2 this year. We will continue to monitor the cost increases and advise the Committee accordingly.
- FCE is in the process of preparing the bid documents for receipt of bids associated with the pipework portion of the project for potential construction over the winter months
- **FCE has completed the plans for the pipework and will be meeting with the DPW to review the project before requesting bids.**

#### **Ridge Road Section 3 (2023 NJDOT Grant Project)**

- The Township was notified by the State that they received a grant in the amount of \$160,630 for the resurfacing of Ridge Road, Section 3. A Budget Memo has been prepared and is attached to this report. With the state grant for Section 2 and 3 and input from Kathleen, hopefully the Township will be able to move forward on this project in 2023. I am sure that we will discuss the paving of Ridge Road (both Sections 2 and 3) at the December 6<sup>th</sup> Committee meeting.

#### **Walking Paths/Disc Golf at the Municipal Recreation Facility**

- The Township and our office had a meeting on November 29, 2022 to discuss moving forward with the walking paths and a Disc golf course at the municipal recreation facility. The Disc golf representatives will be “laying-out” the course within the next few weeks. FCE will survey the site in the area of the proposed walking path and the Disc golf course. The Township will discuss the possibility of applying for a grant through the Local Recreation Improvements Grant from DCA SAGE for this work. From the survey data FCE will be able to evaluate the potential for ADA compliant paths and challenge paths along with the Disc golf course.



#### **MS4 Municipal Separate Storm Sewer System General Permit**

**(No change since last month's report)**

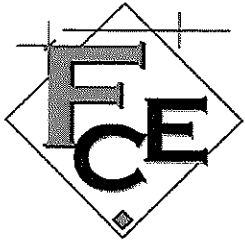
- The Township received a July 1, 2022 letter from NJDEP indicating that the Township is being reassigned as a Tier A Municipality. It is currently and has been a Tier B. The letter explains that the main reason for the change is the level of pollutants which are found to be present within many of the streams and waterways within the Township. It is our understanding that all Tier B Townships within the County and many around the State are being upgraded to Tier A. The upgrade imposes more responsibilities on the Township to conform to its NJDEP General Stormwater Permit, including, but not limited to, additional responsibilities for the DPW, preparation of Township wide storm sewer outfall maps, preparation of a Stormwater Pollution Prevention Plan (SPPP), etc. At this point we are not certain whether this decision can be appealed. We will continue to monitor the "situation" and keep you informed. For your information and interest, please take note that all of the Municipalities we represent in Warren County that were originally designated as Tier B, have all been upgraded to Tier A.
- On August 24<sup>th</sup>, Gene Weber and I attended a virtual meeting hosted by the NJDEP for the Township MS4 Tier B Reassignment. Further instructions, schedule, and Grant availability will be provided to the Township in the near future. We will continue to advise the Township as the Reassignment process moves forward.

#### **Zoning Ordinance (Solar) Amendment**

- At the request of the Committee our office has prepared an amendment to the Zoning Ordinance, Chapter 165, to include Solar Production Systems as permitted uses within Industrial Zoning districts to conform with provisions in the Municipal Land Use Law (re: N.J.S.A. 40:55-66.11) which were enacted in 2009. A copy of the suggested zoning ordinance amendment will be provided to the Committee under separate cover.
- An email was received on September 12, 2022 from Kelley Smith with comments from the Fire Chief which he is suggesting be included in the ordinance revision. We have amended the ordinance to include the additional design standards recommended by the Fire Chief. A copy of the amended draft ordinance can be found as an attachment to this report.
- The Committee directed the Clerk to forward a copy of draft ordinance to the Land Use Board for review.
- **The draft Zoning Ordinance Amendment was reviewed and approved by the Land Use Board. The Committee should schedule the ordinance for first reading in early 2023, possibly at the January 2023 meeting.**

#### **Flood Damage Prevention Ordinance Amendment**

- The Township received an August 19, 2022 letter from NJDEP requiring that in order to continue participation in the National Flood Insurance Program (NFIP) the Township's current Flood Damage Prevention Ordinance (Chapter 94) needs to be amended to meet more stringent controls



for construction within flood hazard areas. This is being required nationwide. A model ordinance was provided which needs to be adapted for Harmony Township. We have prepared the new ordinance entitled "Floodplain Management" which will replace Chapter 94. A copy of the ordinance can be found as an attachment to this report.

- We have prepared a draft of the new Floodplain Management Ordinance for review by the Committee. Copies have been submitted under separate cover.
- **The draft Floodplain Management Ordinance was discussed with the Committee at the November 1, 2022 meeting. Revisions suggested by the Committee were made and the revised ordinance was sent to NJDEP on November 23, 2022 for their review and comment. On November 30, 2022, a review letter on our draft Ordinance was received. It was received with "track changes" which should make it fairly simple to update. Similar to the Solar Zoning Ordinance, this updated Flood Plain Management Ordinance should be scheduled for first reading at the January TC meeting.**

cc: Kelley Smith, Clerk, via email only  
Kathleen Reinalda, CFO, via email only  
Randy Hoffman, DPW, via email only  
Igor Bykov, Esq., via email only



**HARMONY TOWNSHIP  
WARREN COUNTY, NJ**

**R:22-41**

**A RESOLUTION AUTHORIZING HARMONY TOWNSHIP'S ANNUAL APPLICATION RENEWAL TO THE STATE AGRICULTURE DEVELOPMENT COMMITTEE'S MUNICIPAL PLANNING INCENTIVE GRANT PROGRAM**

**WHEREAS**, the Committee of the Township of Harmony has developed a comprehensive Farmland Preservation Plan for the Township, which identifies land meeting the criteria for farmland preservation in accordance with the requirements of the State and County's farmland preservation programs; and

**WHEREAS**, the pressures from development continue to pose the threat of imminent change of land use from productive agriculture to nonagricultural uses; and

**WHEREAS**, the State Agricultural Development Committee (SADC) has funding available to assist the Township in acquiring farmland preservation easements, in partnership with the County of Warren via the Municipal Planning Incentive Grant program (Muni-PIG); and

**WHEREAS**, farmland preservation encourages the survivability of agricultural production, the rural character of the Township and the Township's agrarian history; and

**WHEREAS**, the Township Committee has determined that it is in the best interests of the Township of Harmony to maintain a robust farmland preservation program, to continue to access funds from the SADC's Muni-PIG program, and any other programs that offer funding for farmland preservation, and to acquire as many farmland preservation easements from eligible farms, in partnership with the SADC and the County of Warren, as possible; and

**WHEREAS**, Harmony Township's Farmland Preservation Committee recommends that the Township continue to participate in the SADC's Muni-PIG program; and

**NOW, THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Harmony, County of Warren, State of New Jersey that it hereby authorizes ongoing participation in the SADC's Municipal Planning Incentive Grant program, as follows:

- 1) The Township approves of the Muni-PIG renewal letter and authorizes the Farmland Preservation Committee and its consultant to submit the renewal application to SADC in advance of the deadline and to continue to work with farmland owners in the Township to develop applications to the program.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Harmony that it hereby authorizes the Municipal Clerk, the Farmland Preservation Committee and The Land Conservancy of New Jersey to sign documents and take all action necessary and appropriate to effectuate the intent and purpose of this resolution.

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I, Kelley Smith, Municipal Clerk of the Township of Harmony, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Harmony Township Committee at a meeting held on December 6, 2022.

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Kelley Smith, Municipal Clerk

Municipal Building, Harmony, NJ  
Township Committee Meeting  
November 1, 2022  
6:00 p.m.

Regular The Regular Meeting of the Harmony Township Committee was called to order by the Mayor. The Mayor made the following announcement: "Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a notice of the meeting to the Express-Times and Star Ledger posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk." The Pledge of Allegiance to the American Flag was led by the Mayor.

Roll Call Tipton, Cornely Yamrock - absent

Consent Agenda Motion by Cornely, seconded by Tipton and carried by all in favor to approve the consent agenda that included the following items:

Reports Attorney, Engineer, Zoning written reports were reviewed.

Minutes October 4, 2022

Raffles RA:22-9; Harmony Township Volunteer Fire Company  
RA:22-10; Harmony Township Volunteer Fire Company  
RA:23-1; Harmony Township Volunteer Fire Company

Bingos BA:23-1; Harmony Township Volunteer Fire Company

Resolutions **RESOLUTION #22-33  
RESOLUTION OF THE TOWNSHIP OF HARMONY,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO REFUND OVERPAYMENTS FROM TAX SALE FOR BLOCK  
47.01 LOT 22 AND BLOCK 48 LOT 1.**

**WHEREAS**, the Township of Harmony held the 2022 tax sale on October 7, 2022. Block 47.01 Lot 22 and Block 48 Lot 1 were both sold to Eden Equities LLC, also known as TSC 22-00005 & TSC 22-00006; and

**WHEREAS**, the property owner came in to pay off 2021 taxes that had gone to tax sale on October 7, 2022. Since this payment was received within the 10 day period from the tax sale, TSC 22-00005 & TSC 22-00006 are cancelled and leave an overpayment of taxes to be refunded back to the lienholder; and

**WHEREAS**, the overpayments totaling \$3,363.27 due to an overpayment made for 2022 tax sale:

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Harmony hereby authorizes the refund of \$3,363.27 to:

EDEN EQUITIES LLC  
2 EDEN CT  
LAKEWOOD, NJ 08701

CERTIFICATION:

I, Kelley Smith, RMC of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify this resolution was adopted at a

Regular Meeting of the Township Committee at a meeting held on November 1, 2022.

---

Kelley Smith, RMC  
Township Clerk

**RESOLUTION #22-34  
RESOLUTION OF THE TOWNSHIP OF HARMONY,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO REFUND OVERPAYMENTS FOR BLOCK 25 LOT 10.03.**

**WHEREAS**, the Township of Harmony was informed that Block 25 Lot 10.03 was sold and during the closing process the third quarter taxes were paid in duplicate and Block 25 Lot 10.03 has an overpayment; and

**WHEREAS**, the overpayments totaling \$1,728.03 due to an overpayment made for Third Quarter 2022:

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Harmony hereby authorizes the refund of \$1,728.03 to:

KEITH J & LYNNE DIANE METZ  
535 EDWARD STREET  
PHILLIPSBURG, NJ 08865

**CERTIFICATION:**

I, Kelley Smith, RMC of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify this resolution was adopted at a Regular Meeting of the Township Committee at a meeting held on November 1, 2022.

---

Kelley Smith, RMC  
Township Clerk

**RESOLUTION #22-35  
RESOLUTION OF THE TOWNSHIP OF HARMONY,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO REFUND OVERPAYMENTS FOR BLOCK 17 LOT 12.06.**

**WHEREAS**, the Township of Harmony has determined that Block 17 Lot 12.06 is classified as tax exempt for 2022; and

**WHEREAS**, the overpayments totaling \$7,417.73 due to an overpayment made for First and Second Quarter 2022:

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Harmony hereby authorizes the refund of \$7,417.73 to:

DAVID & DORCAS OKAIN  
1004 BRASS CASTLE ROAD  
PHILLIPSBURG, NJ 08865

**CERTIFICATION:**

I, Kelley Smith, RMC of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify this resolution was adopted at a Regular Meeting of the Township Committee at a meeting held on November 1, 2022.

---

Kelley Smith, RMC  
Township Clerk

**RESOLUTION #22-36  
RESOLUTION OF THE TOWNSHIP OF HARMONY,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO AUTHORIZE THE REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER OF TAX SALE CERTIFICATE #22-  
00003 ON BLOCK 28 LOT 3.**

**WHEREAS**, at the Harmony Township Municipal Tax Sale held October 7, 2022, a lien was sold on Block 28 Lot 3, also known as 2320 Belvidere Road for 2021 taxes; and

**WHEREAS**, this lien known as Tax Sale Certificate No 22-00003 was sold to TRYSTONE CAPITAL ASSETS LLC for a premium of \$5,900.00; and

**WHEREAS**, the property owner, made the full payment on Certificate No 22-00003 in the amount of \$1,668.99 and,

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Harmony hereby authorizes the Chief Financial Officer to issue a check in the amount of \$7,568.99 for the redemption of Tax Sale Certificate #22-00003 and the Premium to:

TRYSTONE CAPITAL ASSETS LLC  
P.O. Box 1030  
BRICK, NJ 08723

**DATED:** November 1, 2022

I, Kelley Smith, Clerk of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Harmony Township Committee at a meeting held on November 1, 2022.

---

Kelley Smith  
Municipal Clerk

**RESOLUTION #22-37  
RESOLUTION OF THE TOWNSHIP OF HARMONY,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO AUTHORIZE THE REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER OF TAX SALE CERTIFICATE #22-  
00002 ON BLOCK 24 LOT 1.11.**

**WHEREAS**, at the Harmony Township Municipal Tax Sale held October 7, 2022, a lien was sold on Block 24 Lot 1.11, also known as 355 Montana Rd for 2021 taxes; and

**WHEREAS**, this lien known as Tax Sale Certificate No 22-00002 was sold to USBANK CUST/PC8 FIRSTRUST BANK for a premium of \$9,700.00; and

**WHEREAS**, the property owner, made the full payment on Certificate No 22-00002 in the amount of \$120.57 and,

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Harmony hereby authorizes the Chief

Financial Officer to issue a check in the amount of \$9,820.57 for the redemption of Tax Sale Certificate #22-00002 and the Premium to:

USBANK CUST/PC8 FIRSTTRUST BANK  
50 SOUTH 16<sup>TH</sup> ST, STE 2050  
PHILADELPHIA, PA 19102

**DATED:** November 1, 2022

I, Kelley Smith, Clerk of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Harmony Township Committee at a meeting held on November 1, 2022.

\_\_\_\_\_  
Kelley Smith  
Municipal Clerk

**RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT**  
**2023 Fund Year**  
**R:22-38**

**WHEREAS,** Harmony Township (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

**WHEREAS,** the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

**WHEREAS,** the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

**WHEREAS,** the "Fund" has requested its members to appoint individuals or entities to that position; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of "Local Unit", in the County of Warren and State of New Jersey, as follows:

1. Harmony Township (Local Unit) hereby appoints Michael Smith (Ahart, Frinzi & Smith Insurance) its Risk Management Consultant.
2. The Mayor (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year **2023** in the form attached hereto.

Name of Entity: Harmony Township

**Attest:**

\_\_\_\_\_  
Kelley D. Smith

\_\_\_\_\_  
Brian R. Tipton, Mayor

**Certification**

I, Kelley Smith, Clerk of the Township of Harmony, County of Warren, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the governing body on November 1, 2023.

\_\_\_\_\_  
Clerk

Witness my hand and seal of the

Township of Harmony This 1st day of November ,  
2023

## STATEWIDE INSURANCE FUND

### RISK MANAGEMENT CONSULTANT'S AGREEMENT

## 2023 Fund Year

**THIS AGREEMENT** entered into this 1<sup>st</sup> day of January 2023, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, Harmony Township ("MEMBER") and Michael Smith ("RISK MANAGEMENT CONSULTANT") through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

**WHEREAS**, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

**WHEREAS**, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

**WHEREAS**, the MEMBER desires these professional services from the CONSULTANT; and

**WHEREAS**, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

**WHEREAS**, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

**NOW, THEREFORE**, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
  - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
  - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
  - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
  - (d) explain to the MEMBER, or its representatives the operation of the FUND.
  - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
  - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
  - (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
  - (h) assist in the claim settlement process, if required, by MEMBER or FUND.
  - (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by

the MEMBER or the FUND.

- (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
- (k) act in good faith and fair dealing to the FUND.
- (l) perform other duties for the FUND as may be required from time to time by the FUND.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

- (a)The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of non WC assessment (excluding any fees, PLIGA, and loss ratio apportionment);
- (b)The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
- (c)For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).

If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.

- 3. The term of this Agreement shall be from **January 1, 2023 to January 1, 2024**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
- 4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
- 5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

ATTEST:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

\_\_\_\_\_  
**Member Representative**

\_\_\_\_\_  
**Risk Management Consultant  
Corporate Officer**



ATTEST:

\_\_\_\_\_  
Statewide Insurance Fund  
Chairperson

**EXHIBIT A  
STATEWIDE INSURANCE FUND**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY NOTICE**  
**(N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.)**  
**GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE**  
**CONTRACTS**

This form is a summary of the successful professional service entity's requirement to comply with the requirements of **N.J.S.A. 10:5-31 et seq.** and **N.J.A.C. 17:27 et seq.**

The successful professional service entity shall submit to the Statewide Insurance Fund, after notification of award but prior to execution of this contract, one of the following three documents as forms of evidence:

- (a) A photocopy of a valid letter that the vendor is operating under an existing Federally approved or sanctioned affirmative action program (good for one year from the date of the letter);
- OR**
- (b) A photocopy of a Certificate of Employee Information Report approval, issued in accordance with N.J.A.C. 17:27-1.1 et seq.;
- OR**
- (c) A photocopy of a completed Employee Information Report (Form AA302) provided by the Division of Contract Compliance and completed by the vendor in accordance with N.J.A.C. 17:27-1.1 et seq.

The successful professional service entity may obtain the Employee Information Report (AA302) from the Statewide Insurance Fund during normal business hours.

**The undersigned professional service entity certifies that he/she is aware of the commitment to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. and agrees to furnish the required forms of evidence.**

**The undersigned professional service entity further understands that his/her submission shall be rejected as non-responsive if said professional service entity fails to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq.**

COMPANY: \_\_\_\_\_  
Risk Management Consultant

SIGNATURE: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_ DATE: \_\_\_\_\_

STATEWIDE INSURANCE FUND

**RESOLUTION APPOINTING FUND COMMISSIONER**

**2023 Fund year**

**R:22-39**

WHEREAS, Harmony Township (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Harmony (Local Unit) that Kelley Smith (*entity's elected official or employee*) is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2023**; and BE IT FURTHER RESOLVED that Kathleen Reinaldi (second elected official or employee) is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2023**; and BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Harmony Township

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_

Clerk

Print Name: Brian R. Tipton

Title: Mayor

This Resolution agreed to the 1<sup>st</sup> day of November, 2023, by a vote of:

3 Affirmative 0 Abstain 0 Negative  
0 Absent

**RESOLUTION #22-40  
RESOLUTION OF THE TOWNSHIP OF HARMONY,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO AUTHORIZE THE REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER OF TAX SALE CERTIFICATE #20-  
00002 ON BLOCK 43 LOT 22.**

**WHEREAS**, at the Harmony Township Municipal Tax Sale held November 6, 2020, a lien was sold on Block 43 Lot 22, also known as 2685 River Road for 2019 taxes; and

**WHEREAS**, this lien known as Tax Sale Certificate No 20-00002 was sold to USBANK CUST ACTLIEN HOLDING for a premium of \$17,400.00; and

**WHERAS**, the property owner, made the full payment on Certificate No 20-00002 in the amount of \$18,552.30 and,

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Harmony hereby authorizes the Chief Financial Officer to issue a check in the amount of \$35.952.30 for the redemption of Tax Sale Certificate #20-00002 and the Premium to:

USBANK CUST ACTLIEN HOLDING  
50 SOUTH 16<sup>TH</sup> ST, STE 2050  
PHILADELPHIA, PA 19102

DATED: November 1, 2022

I, Kelley Smith, Clerk of the Township of Harmony, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Harmony Township Committee at a meeting held on November 1, 2022.

Kelley Smith, Clerk

- |                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Correspon-<br>dence | <ol style="list-style-type: none"><li>1. Warren County Resolution 414-22; setting forth policy against selling or transferring County-Owned property or rights of ways to support large scale, commercial development.</li><li>2. NJDOT announcement that applications are now being accepted for the NJDOT Fiscal Year 2023 Local Freight Impact Fund.</li><li>3. Letter from Thomas Kelly, Attorney at Law regarding Service Electric Cable TV of Hunterdon renewal/ascertainment process to begin.</li><li>4. Letter from Warren County Planning Department re adopted Resolution 437-22 including LMR Disposal, LLC as a class A Recycling Center in the Warren County Solid Waste Management Plan.</li><li>5. Warren County Resolution 463-22; supporting S-522 and A-888 to expand the property tax exemption eligibility for Veterans.</li></ol> |
| New<br>Business     | <ol style="list-style-type: none"><li>1. Service Electric Franchise Renewal Package for review.</li><li>2. New Jersey State Benefits Program – Rate Increases/Warren County proposal HIF. Mayor Tipton gave a brief overview on the Health Care cost crises with the State Health Benefits plan. The County is working on creating a separate fund that municipalities would be able to be a part of to establish lower costs. Harmony Township is not that impacted because there are only 3 employees that receive health benefits at this time.</li><li>3. Warren County Municipal Christmas Tree Decorating Contest. Kelley will enter a tree on behalf of Harmony Township</li><li>4. Best Practices Inventory was reviewed. There will not be any state funding withheld based on our scoring.</li></ol>                                          |
| Old<br>Business     | <ol style="list-style-type: none"><li>1. Open Space/Farmland funding for walking path/disc golf course. I It was the opinion of the Municipal Attorney that after reviewing Open space/farmland funding ordinance it would be satisfactory to use these funds for recreational purposes. Kelley will follow up with a meeting to discuss further with the parties involved.</li><li>2. Professional services/shared services 2023. It was the consensus to continue with the current professional service providers in 2023.</li><li>4. Follow up/Discussion/Consideration of Ordinance amending the Harmony Township Code to repeal Chapter 94 Flood Damage Prevention and to adopt a new Chapter 94 has been tabled to the</li></ol>                                                                                                                  |

January 2023 Township Committee Meeting. Mr. Finelli will be working on this and he will send a draft copy to the NJDEP for review. It should be considered for adoption by February 2023.

5. Follow up/Discussion/Consideration of recommendation by Harmony Land Use Board to adopt Ordinance to amend Chapter 165 Zoning to permit solar production facilities within the industrial zones has been tabled to the January 2023 Township Committee Meeting. At the recommendation of the Land Use Board, this ordinance will be on the agenda for introduction in January 2023.
6. Motion by Cornely, seconded by Tipton and carried by all in favor to open the public hearing and consideration of Ordinance O:22-06; an Ordinance adopting a revision and codification of the Ordinances of the Township of Harmony.

There were no public comments

Motion by Cornely, seconded by Tipton and carried by all in favor to close public hearing of Ordinance O:22-06

Motion by Cornely, seconded by Tipton and carried unanimously by roll call to adopt Ordinance O:22-06  
Roll Call: Ayes: Cornely, Tipton Nays: none

Vouchers      Motion by Cornely, seconded by Tipton and carried by all in favor to approve the vouchers.

Public      Jane Nemeth, Brainards, asked why Halloween was not held on  
Comments      Halloween. It created problems with people coming to Harmony because  
all the other surrounding towns were held on Halloween so this allowed all  
these outside kids to come into Harmony too. The committee  
took this under consideration for future scheduling.

Jim Sailer, River Road, asked about the solar farm project. Mayor Tipton  
Assumes they are still acquiring all the permits they will need prior to  
construction.

Adjourn      Motion by Cornely, seconded by Tipton to adjourn the meeting  
at this time. The motion was carried unanimously by all in favor.

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Kelley Smith, Municipal Clerk

**PUBLIC NOTICE  
FRANKLIN TOWNSHIP LAND USE BOARD**

**PLEASE TAKE NOTICE** that Kober Solar Farm LLC (the "Applicant") has made an application to the Land Use Board of Franklin Township, Warren County, State of New Jersey (the "Board") for a use variance, preliminary and final site plan approval and to merge lots 11 and 11.01 (the "Application"), to construct a photovoltaic grid supply solar farm (the "Project") on Block 9, Lots 11 and 11.01 as located on the Franklin Township tax map, which property is located in the RC-Rural Conservation Zoning District and commonly described as located at 470 Montana Road in Harmony Township (the "Property").

The proposed Project will consist of approximately 22.4 MW(AC) of a ground mounted solar array (the "Array") that is expected to utilize a driven steel post foundation system. The Array will include electrical inverters and associated wiring enclosed within a proposed security fence. Site access will be provided from Montana Road through Block 18 lot 7 in Harmony Township. No new dwellings or buildings are proposed with the Project.

The Applicant is requesting the following variance and waivers:

- A use variance as solar is not a permitted use in the RC-Rural Conservation Zoning District.
- Section 90.54 K Regulations for Renewable Energy Facilities :
  - Front yard setback – 100 feet is required, 25 feet proposed.
  - Minimum setback for inverter pads, switch gear and related appurtenances – 150 feet required, 52.4 feet proposed.
  - Minimum landscape screening – 35 feet required, 25 feet proposed.
- A waiver from item 43 of the preliminary and final site plan checklist requiring a Phase 1 Geologic Investigation.
- Relief from 40:55D-35 of the Municipal Land Use Law as merged lot 11 and 11.01 will not have frontage on a street.

The Applicant shall also seek such variances and design waivers as the Board deems necessary to grant the relief/approval sought by the Applicant.

The Application will be considered at a public hearing before the Franklin Township Land Use Board on Thursday, December 1, 2022, at 7:30 PM at the Franklin Township Municipal Building, 2093 Route 57, Broadway New Jersey 08808.

Any interested party may appear at said hearing and participate therein in accordance with the rules of the Land Use Board.

The Application and other supporting drawings will be available for inspection at the Franklin Township Municipal Building, 2093 Route 57, Broadway, New Jersey in Warren County, New Jersey during normal business hours.

Respectfully submitted for the Applicant.

Mark S. Bellin Esq.  
Attorney for the Applicant

Kober Solar Farm LLC  
Applicant

**Kelley Smith**

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**From:** Art Charlton <acharlton@co.warren.nj.us>  
**Sent:** Tuesday, November 29, 2022 3:29 PM  
**To:** mayor@allamuchynj.org; Craig Dunwell; kmiers50@gmail.com; rmoorhead@blairstowntwp-nj.com; Mayor JeffD; kramosftc@gmail.com; bbarsony@greenwichtownship.org; mayor@hackettstown.net; cjacksic@hardwick-nj.us; btipton@florioperrucci.com; timothymcdonough@embarqmail.com; dhrebenak@independencenj.com; tandastarrs@hotmail.com; john.inscho@comcast.net; jmengucci@yahoo.com; jwatters@mansfieldtownship-nj.gov; gnorton@oxfordtwpnj.org; ttersigni@phillipsburgnj.org; slackfarmsnj@yahoo.com; econry@washingtonboro-nj.org; mayor@washington-twp-warren.org; jdherb@comcast.net  
**Cc:** municipalclerk@allamuchynj.org; alphaclerk@alphaboronj.org; clerk@belvidere-nj.org; clerk@blairstowntwp-nj.com; clerk@franklintwpwarren.org; clerk@frelinghuysen-nj.us; clerk@greenwichtownship.org; kuster@hackettstown.net; hardwicktwpclderk@yahoo.com; Kelley Smith; townclerk@hopetwp-nj.us; dhrebenak@independencenj.com; clerk@knowlton-nj.com; clerk@libertytownship.org; diltsb@lopatcongtpw.com; Monica Orlando; townclerk@oxfordtwpnj.org; lloudenberry@phillipsburgnj.org; clerk@pohatcongtpw.org; lbarton; twpclderk@washington-twp-warren.org; clerk@whitetwp-nj.com; Corey Tierney; Laurie Rapisardi (laurier68@gmail.com)  
**Subject:** IMPORTANT UPDATE: Changes to the Tree Decorating Contest  
**Importance:** High

Dear Mayors and Municipal Officials,

Due to limited response, the Warren County Bicentennial Cultural and Heritage Advisory Board has decided to drop plans for a Warren County Winterfest this year and significantly alter the planned Municipal Christmas Tree Decorating Contest about which I wrote to you earlier this month.

Instead of participating municipalities bringing a tree to Garret D. Wall Park on a specific date, Warren County is inviting you to procure a tree to set up within your municipality, then alert us to the location (and hours of availability, should you choose to set it up inside a building) so we can take a look at it.

Warren County will still provide a grant of up to \$200 for the tree, stand, and decorations, so save your receipts to submit for reimbursement. As before, we recommend that you pick out and purchase a choose-and-cut, Jersey Fresh Christmas tree from one of great tree farms here in New Jersey's Christmas Tree Belt. You can find a list of farms on the Explore Warren website at <http://explorewarren.org/places/choose-your-christmas-tree-warren-county>. We are recommending you obtain trees of about 6 feet tall, but the type of evergreen is up to you and your team. As an alternative, you also can use an existing tree located outdoors on public property in your community.

Then, decorate your tree, either in a way that represents your municipality and its unique features and history, or in any other fashion, theme or color scheme you prefer. Once it is ready, send a message to [tourism@co.warren.nj.us](mailto:tourism@co.warren.nj.us) telling us:

1. Name of Municipality
2. Location of tree.

3. Hours that the tree is available for viewing.
4. Names of those on your decorating committee.
5. Anything we should know about your decorations or theme.

We'll make the rounds to view the trees and judge them for prizes. We also hope to publicize the locations of participating trees so that the public can enjoy them.

We plan to get an earlier start next year and hold the tree decorating contest in a location where the trees can be available to the public on more than just one day. But for the first time out, we are going with a moveable feast of trees!

So, game on! Pick a tree, choose your decorations, and let us know when it's ready to see.

Feel free to contact me at this email address if you have questions, but send your tree information to the [tourism@co.warren.nj.us](mailto:tourism@co.warren.nj.us) address. Here's wishing you and all in your community a happy and healthy holiday season!

Regards,

Art

*Art Charlton*

Director  
Warren County Public Information Department  
Explore Warren County Tourism Partnership  
Open Public Records Act, Custodian of Public Records  
[www.warrencountynj.gov](http://www.warrencountynj.gov)  
908-475-6580 / 908-475-6577 FAX



Corresp 3

Kelley Smith

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**From:** Castanhas, Karen [HIGHLANDS] <karen.castanhas@highlands.nj.gov>  
**Sent:** Monday, November 28, 2022 1:53 PM  
**To:** Kelley Smith  
**Subject:** Warehouse Development and Your Community



Dear Ms. Smith,

The proliferation of warehousing throughout the state is regularly grabbing headlines and no doubt your attention too. Traditionally confined to arterial roadways, interstate highways, and industrial centers, warehouse proposals now seem to be expanding into farmland and small communities that may, or may not, have infrastructure capacity to support this type of growth. Traffic safety and the introduction of truck traffic, loss of important resources, alteration of community character, increased stormwater runoff and impact on agricultural resources are just **some** of the impacts that warehouse development may have on a community.

Earlier this year, the State Planning Commission adopted a policy document regarding warehouse siting. The document emphasizes that **unplanned** and inappropriately located development of distribution and warehousing facilities is having a negative impact in some areas of the state. Addressing and preventing these negative impacts is particularly important in the Highlands Region since we provide protection for most of the state’s drinking water.

Understanding how much and where warehousing may be permitted in a municipality is critical. In many municipalities, local zoning permits warehousing as-of-right, meaning a warehouse developer does not need to go through a lengthy variance process with the Zoning Board of Adjustment, but can simply gain local site plan approval through the Planning Board. As a regional planning agency, the Highlands Council is in a unique position to help.

The Highlands Council is offering a **non-competitive grant opportunity** to all 88 municipalities in the Region. The “Local Zoning Local Control” grant will provide an initial grant of up to \$5,000 to review your community’s current zoning to ensure that all potential as-of-right development permitted by the zoning ordinance is consistent with the community’s vision for the municipality and its citizens. An assessment of current zoning will help identify any deficiencies or issues that could lead to inappropriate, unintended, or unwanted development, as well as identify areas that may be better suited for development and redevelopment within the community. Highlands grants are reimbursement-based and require an approved scope of work.

This analysis of your local zoning may reveal additional steps your community can take to ensure that you have sufficient local control over future development. In most cases, the Highlands Council can provide funding to complete additional planning work.

There are places where warehousing is an acceptable use and there are places where it is simply the wrong type of development for a community. Distinguishing between the two is an essential part of good long-term planning. I’m confident that together we can ensure that warehouse development in the Highlands only happens in locations where it does not threaten or damage the important resources of the region.

Please contact your Highlands Council liaison, **Corey Piasecki**, at 908.879.6737 x**129** or via e-mail at **corey.piasecki@highlands.nj.gov** for more information. Grants can be available for projects starting as early as February 2023.

Sincerely,

*Benjamin L. Spinelli*

Benjamin L. Spinelli, Esq.  
Executive Director

*#1 NB - Copy cover only*

**POLLUTION CONTROL FINANCING AUTHORITY  
OF WARREN COUNTY**

500 MT. PISGAH AVENUE  
P.O. BOX 587  
OXFORD, NEW JERSEY 07863-0587

Jonathan Knittel  
Director

908-453-2174  
Fax: 908-453-4241  
internet: [www.pcfawc.com](http://www.pcfawc.com)

November 15, 2022

Mayor  
Harmony Township  
3003 Belvidere Road  
Phillipsburg, NJ 08865

RE: 2023 Interlocal Agreement

Dear Mayor:

The Pollution Control Financing Authority of Warren County (PCFAWC) appreciates Harmony Township interest in an interlocal agreement for disposal of solid waste at our landfill facility.

The PCFAWC will not be increasing the rate per ton for the 2023 disposal contracts and we will be terminating the 2022 contracts on December 31, 2022. The attached contract will be effective on January 1, 2023. Our contract terms have been changed to run from January 1 through December 31.

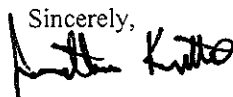
Enclosed you will find two (2) Interlocal Agreements.

In addition, the Pollution Control Financing Authority of Warren County reserves its right to enforce any and all portions of the attached Agreement at any time during the term of this Agreement. Prior to signing, please ensure that you fully understand all terms and conditions outlined within the Agreement and the Pollution Control Financing Authority's rights under this Agreement.

If the Agreement is acceptable, please sign both copies and return them to our office at your earliest convenience. Upon receipt, the Pollution Control Financing Authority of Warren County will consider the Agreement at the next scheduled meeting.

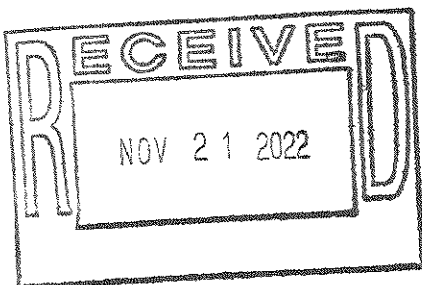
If you have any questions, please call me at (908) 453-2174 ext. 234.

Sincerely,



Jonathan Knittel  
Director

cc: PCFA Members  
Brian Tipton, PCFA General Counsel  
Contract file 2023





19 Boonton Avenue  
Boonton, NJ 07005  
Tel: (973) 541-1010  
Web: tlc-nj.org

## AGREEMENT

BY AND BETWEEN

TOWNSHIP OF HARMONY, County of Warren  
A Municipal Corporation of the State of New Jersey  
with offices located at  
3003 Belvidere Road  
Phillipsburg, New Jersey 08865

Hereinafter referred to as “**Township**”

AND

THE LAND CONSERVANCY OF NEW JERSEY  
Open Space and Farmland Preservation Advisors  
with offices located at  
19 Boonton Avenue  
Boonton, New Jersey 07005

Hereinafter referred to as “**Conservancy**”

## WITNESSETH:

**WHEREAS**, with the creation of a dedicated source of tax revenue (“Open Space Trust”) and an Open Space Committee for the acquisition of open space and an Agricultural Advisory Committee for the preservation of farmland, a need exists to retain the services of an open space preservation consultant whose staff members have technical expertise and experience in the field of open space and farmland preservation and stewardship; and

**WHEREAS**, The Land Conservancy of New Jersey is a nonprofit organization whose mission is to preserve and protect open space for natural, historic, agricultural and recreational purposes and to assist municipalities in the stewardship of open space lands; and

**WHEREAS**, the Township desires to engage The Land Conservancy for the purpose of assisting the Township Committee, the Open Space Committee, and the Agricultural Advisory Committee with a variety of open space services, including (but not limited to) landowner



negotiations and the preparation of grant applications as may be required with regard to the possible acquisition of open space and farmland.

***NOW, THEREFORE,*** it is mutually agreed by and between the parties as follows:

1. **Scope of Services:** The Land Conservancy of New Jersey shall provide the Township Committee and the Open Space Committee and/or Agricultural Advisory Committee with the services included in Schedule A.
2. **Term of Agreement:** The term of the agreement shall be for a twelve (12) month period commencing on March 1, 2023 and ending on February 28, 2024.
3. **Total Compensation:** For the scope of services and activities to be rendered during the twelve (12) month period, The Land Conservancy shall be paid a lump sum amount not to exceed \$11,000.00. Payments will be processed through the Township Committee following the end of each quarter as follows:
  - First Quarter.....\$2,750
  - Second Quarter.....\$2,750
  - Third Quarter.....\$2,750
  - Fourth Quarter.....\$2,750
4. **Payment Procedures:** The Land Conservancy shall be responsible in submitting to the Township Clerk a voucher with specific charges. Method of payment shall comply with the Local Fiscal Affairs Law, N.J.S.A. 40A:5-16, which prohibits the governing body of any local unit from paying out any of its monies “unless the person claiming or receiving the same shall first present a detailed bill of items or demand, specifying particularly how the bill or demand is made up, with the certification of the party claiming payment that it is correct.”
5. **Cancellation of Agreement:** Both the Township and The Land Conservancy reserve the right to cancel this Agreement without reason upon thirty (30) calendar days written notice. However, both parties agree that any pending business will be completed to the best of The Land Conservancy’s abilities, and that an orderly transition of all outstanding projects or activities will be made in cooperation with the



Township Clerk and the Township will pay The Land Conservancy for all service rendered through the final date of service at the rate of \$45 per day for each day of service after the end of the preceding quarter.

6. **Ownership of Records:** All records, maps, plans and data pertaining to any Township open space issue and any other information utilized or gathered by The Land Conservancy on behalf of the Township shall be surrendered to the Township upon expiration or termination of this Agreement. The Land Conservancy may retain copies as it determines and will not disclose any non-public information.
7. **Mandatory Affirmative Action Compliance.** During the term of this agreement, the parties agree to comply with the Affirmative Action requirements set forth in N.J.A.C. 17:27, and hereby incorporate by reference the mandatory Affirmative Action language set forth in Exhibit "A" which is attached and made a part of this Agreement.
8. **Hold Harmless.** The Township will indemnify and hold harmless The Land Conservancy and its employees and agents against claims and expenses (including legal fees and expenses) arising from the performance by The Land Conservancy of its obligations under this Agreement, unless involving gross negligence or willful misconduct by The Land Conservancy or any of its employees or agents, and will pay against invoice any legal fees and expenses incurred by The Land Conservancy or any of its employees or agents in defending against any such claims, against the undertaking by the indemnitee (s) to refund the amount(s) paid in the event of a final binding determination that it, he or she was not entitled to indemnification hereunder. The Township may be entitled to recover from The Land Conservancy amounts paid by the Township hereunder in the event of damages caused the Township by The Land Conservancy or any of its employees or agents and shall not be entitled (in the absence of gross negligence or willful misconduct by The Land Conservancy or any of its employees or agents) to any larger amount in any such case, whether the damage is direct, indirect, consequential or of any other nature.
9. **Arbitration.** This agreement is the entire agreement of the parties on the subject matter, superseding all prior written or oral understandings or agreements, and may

be amended only by a writing signed by both parties. All disputes in respect of this Agreement not settled by negotiation within 30 days of written notice thereof by either party to the other shall be submitted by one party or the other to non-binding mediation by a mutually agreed upon mediator and if not settled within 60 days of such notice shall be finally resolved by confidential binding arbitration in Morristown, New Jersey under the rules then in effect of the American Arbitration Association by a panel of three arbitrators, one selected by each party and the third by the two so selected. Any decision by a majority or more of the arbitrators may be entered as a judgment in any court having jurisdiction. The arbitrators shall have no authority to amend this Agreement. One-half of the expenses of the mediator of any mediation and the arbitrators in any arbitration shall be borne by each party.

*IN WITNESS THEREOF*, the parties hereto have executed this agreement on this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

ATTEST: TOWNSHIP OF HARMONY

\_\_\_\_\_


Township Clerk

By \_\_\_\_\_

Mayor

WITNESS: THE LAND CONSERVANCY OF NEW JERSEY

Barbara N. Davis

By 

David J. Epstein, President

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**  
**N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27**

**GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to **N.J.S.A. 10:5-31 et seq.** as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with **N.J.A.C. 17:27-5.2**.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression,



disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.


In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval  
Certificate of Employee Information Report  
Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division’s website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

The Land Conservancy of New Jersey  
Company Name

  
\_\_\_\_\_

Officer Signature  
David J. Epstein, President.

11.29.2022  
Date

(973) 541-1010  
Telephone Number

(Rev. 4/2010)



## **SCHEDULE A: SCOPE OF WORK**

### **TOWNSHIP OF HARMONY: OPEN SPACE ADVISOR**

*The Land Conservancy of New Jersey will help **Harmony Township** with the following activities:*

a) Negotiation:

- At the Township's request, work with private landowners and negotiate to achieve the best acquisition value for Township. Continue negotiations already begun by the Township and/or The Land Conservancy.
- Work with Township Open Space Committee/Agricultural Advisory Committee to select priority properties to pursue in keeping with Township Open Space Plan, Farmland Preservation Plan, and available funding.
- Staff will conduct landowner meetings, as necessary, to successfully advance the land acquisition project.
- Develop specific acquisition strategies and financing scenarios for priority parcels.

b) Grant Applications:

- When appropriate, encourage landowner applications to the county/ state programs.
- If requested, complete a State Agriculture Development Committee (SADC) site-specific application to the municipal Planning Incentive Grant (PIG) program, including required mapping and technical analyses. The Land Conservancy will complete up to three (3) site specific applications. Additional applications will be completed on fee basis at a rate to be agreed to by the Township and Conservancy.
- When needed and upon request by the Township, prepare the Township's farmland PIG and open space PI applications prior to state deadlines. The Township shall provide to The Land Conservancy both written and verbal notice of its intention to submit an update to its state applications no later than four weeks (4) prior to the deadline for submittal of the application. If the Township does not give adequate notice, The Land Conservancy reserves the right to charge a fee on top of the currently approved fee for services, not to exceed \$500.
- Develop up to three (3) maps, as required by granting agencies for the preservation of land in the Township. Provide other mapping services, such as a new or updated Open Space Map, on a separate fee basis.
- Help the Township prepare up to two (2) land acquisition grant applications for the County Open Space Trust Fund, including the maps required for this grant(s). Coordinate the concept hearing, site visit and formal presentation. The Township shall both written and verbal notice of its intention to submit its county grant

application(s) to The Land Conservancy no later than four (4) weeks prior to the County's deadline for submittal of the application(s). If the Township does not give adequate notice to The Land Conservancy, or if the Township requests more than two (2) applications, or both, then The Land Conservancy reserves the right to charge a fee on top of the currently approved fee for services, not to exceed \$1,000 per grant.

- The Land Conservancy will attend up to three (3) Township or County meetings as required for the completion of grant applications.

c) Due Diligence:

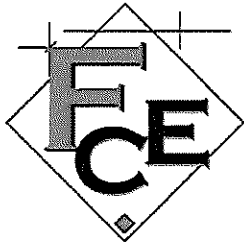
- a. Develop any needed municipal resolutions for the completion of open space/farmland projects.
- b. Upon request, manage the due diligence work for Township open space and/or farmland acquisitions in coordination with the Township. This includes obtaining proposals, coordinating work schedules, and reviewing all work products to ensure quality and compliance with government regulations.
- c. Provide ongoing communication and coordination with agencies responsible for land preservation.

d) Funding:

- Continue to explore available funding sources to leverage the Township's funding for land acquisition.
- Apply for available funding, as appropriate and agreed to by the Township and The Land Conservancy, for land acquisition.

e) Advising:

- Respond to regional initiatives as necessary in coordination with the Township Open Space/Agricultural Advisory Committees.
- Provide regular progress reports to the Open Space/Agricultural Advisory Committees as needed and upon request.
- Discuss and work on open space preservation issues and projects that may arise within the Township.
- Staff will attend up to six (6) Open Space/Agricultural Advisory Committee and/or Township Committee meetings, focusing on land acquisition and grant applications. If the Township requests attendance at additional municipal-based meetings, The Land Conservancy reserves the right to charge a fee on top of the currently approved fee.



**FINELLI CONSULTING ENGINEERS, INC.**

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**MEMORANDUM**

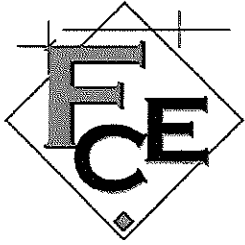
TO: Mayor Brian Tipton and Township Committee Members VIA EMAIL ONLY  
FROM: Michael S. Finelli, P.E., P.P., CME  
DATE: November 30, 2022  
RE: Ridge Road, Section 2 and 3 Engineering Estimate (NJDOT 2022 and 2023 Local Aid Funds)  
*FCE No. HAWM253M2*  
CC: Kelley Smith, Clerk, via email only  
Kathleen Reinalda, CFO, via email only

As you know the Township received a 2022 grant in the amount of \$131,600 from NJDOT Local Aid for the resurfacing of Ridge Road, Section 2 beginning where section 1 ended and running a distance of approximately 2.4 miles to Roxburg Station Road. The Township’s grant request was \$410,000.

The Township then requested an additional grant for Section 3 which shortened Section 2 from the end of Sec 1 to Swamp Road and Section 3 became the section from Swamp Rd to Fiddlers Elbow Road. The Township received a grant for Section 3 in the amount of \$160,630. The Township’s grant request for this section was \$350,000. The Township has recently paved a section of Ridge Road from Roxburg Station Road to Fiddlers Elbow Road.

Assuming that the paving and striping is awarded through the Morris County Cooperative Pricing Council the estimated costs for the project are as follows:

<b><u>Estimated Construction Costs Sec 2 (see attached)</u></b>	<b>\$154,730</b>
<u>Engineering Budget</u>	
Survey, Plan, & Specifications:	\$ 15,500
Project Administration:	\$ 3,000
Construction Observation & Testing:	<u>\$ 3,500</u>
Total Estimated Costs	\$176,730
Grant Amount	<u>\$131,600</u>
Township Funds Required	\$ 45,130



<u>Estimated Construction Costs Sec 3 (see attached)</u>	\$329,184
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<u>Engineering Budget</u>	
Survey, Plan, & Specifications:	\$ 4,500
Project Administration:	\$ 2,500
Construction Observation & Testing:	<u>\$ 3,500</u>
Total Estimated Costs	\$339,684
Grant Amount	<u>\$160,630</u>
Township Funds Required	\$179,054

**Total Twp. Funds needed for completion of both Sections 2 and 3 (Section 1 to Fiddlers Elbow) \$224,184**

We must use the Grant money from the FY2022 this year or we may lose it. If the total needed to complete Sections 2 and 3 is too great we can always shorten the Sections and put in for an additional section of Ridge Road in 2024.

Please advise on how you would like to proceed.

FINELLI CONSULTING ENGINEERS, INC.  
205 Route 31N, Washington, NJ 07882

ENGINEER'S ESTIMATE

PROJECT NAME: RIDGE ROAD - SECTION 2  
MUNICIPALITY: HARMONY TOWNSHIP  
COUNTY OF: WARREN  
PREPARED BY: DMB  
Section 1 to Swamp Rd 1 miles

DATE: Nov-22  
PROJECT NO.: HAWM253  
REVISED:

ITEM NO		DESCRIPTION	APPROX. QTY	UNIT	UNIT PRICE	TOTAL
MCCPC						
1		HMA 12.5-M-64 SURFACE COURSE, 2" THICK	1462	TN	\$75.00	\$109,633.33
2		HMA 12.5-M-64 LEVELING COURSE, VARIABLE THICKNESS	360	TN	\$75.00	\$27,000.00
3		HMA DRIVEWAY, 2" THICK	50	TN	\$75.00	\$3,750.00
4		HMA MILLING, 2" THICK	49	SY	\$3.00	\$146.67
5		STRIPING, LONG LIFE EPOXY, 4" WIDE	10400	LF	\$0.50	\$5,200.00
DPW						
SUBTOTAL						\$145,730.00
INSPECTION AND PAVEMENT TESTING						\$9,000.00
TOTAL						\$154,730.00

FINELLI CONSULTING ENGINEERS, INC.  
205 Route 31N, Washington, NJ 07882

ENGINEER'S ESTIMATE

PROJECT NAME: RIDGE ROAD - SECTION 3  
MUNICIPALITY: HARMONY TOWNSHIP  
COUNTY OF: WARREN  
PREPARED BY: DMB  
Swamp Rd to Roxburg 1.4 miles

DATE: Nov-22  
PROJECT NO.: HAWM262  
REVISED:

ITEM NO	DESCRIPTION	APPROX. QTY	UNIT	UNIT PRICE	TOTAL
MCCPC					
1	HMA 12.5-M-64 SURFACE COURSE, 2" THICK	2131	TN	\$75.00	\$159,811.67
2	HMA 12.5-M-64 LEVELING COURSE, VARIABLE THICKNESS	213	TN	\$75.00	\$15,981.17
3	HMA DRIVEWAY, 2" THICK	23	TN	\$75.00	\$1,725.00
4	HMA MILLING, 2" THICK	196	SY	\$3.00	\$586.67
5	STRIPING, LONG LIFE EPOXY, 4" WIDE	15160	LF	\$0.50	\$7,580.00
6	GALVANIZED STEEL BEAM GUIDERAIL (INSTALLED)	1600	LF	\$40.00	\$64,000.00
7	TANGENT GUIDE RAIL TERMINAL (INSTALLED)	16	UN	\$3,500.00	\$56,000.00
8	REMOVE BEAM GUIDE RAIL	1250	LF	\$10.00	\$12,500.00
	SUBTOTAL				\$318,184.50
	INSPECTION AND PAVEMENT TESTING				\$11,000.00
	TOTAL				\$329,184.50